IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.Rev.Pet.No. 306 of 2007(E)

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CRA.120/2005 of ADDITIONAL SESSIONS COURT (ADHOC)-II, KOLLAM
CC.100/2002 of JUDL.MAGISTRATE OF FIRST CLASS-III, PUNALUR

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REVN. PETITIONER:

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V.K. BALACY, AGED 60 YEARS,
MANAGER, KAMALA ENTERPRISES, T.C.XXV/1697,
MANJALIKULAM ROAD, THAMPANOOR,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.ARUN RAJ

RESPONDENTS:

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1. T. GOPAKUMAR, MULLACKAL HOUSE,
NEAR SIVAN KOVIL, PUNALUR.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR C.K.SURESH
SMT.SHOBA ANNAMMA EAPEN

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K. HEMA, J.**

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**Crl.R.P. No.306 of 2007**

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**Dated this 23rd day of January, 2007.**

**O R D E R**

Revision Petitioner is the accused in C.C.No.100 of 2002 on the file of the Judicial First Class Magistrate's Court No.III, Punalur. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for two months under Section 138 of the Negotiable Instruments Act and also directed to pay compensation of Rs.35,000/- to the complainant in default of payment to undergo simple imprisonment for three months under section 148 of the Negotiable Instruments Act. In appeal filed by him, the conviction and sentence were confirmed by the Additional Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.Appl.No.950 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.Appl.No.950 of 2007 and Revision Petition are allowed.

vgs. **K. HEMA, JUDGE.**